

STATE PERSONNEL BOARD CALENDAR



JANUARY 11, 2005

SACRAMENTO, CALIFORNIA

State of California

Memorandum

DATE: December 30, 2004
TO: ALL INTERESTED PARTIES
FROM: STATE PERSONNEL BOARD - Appeals Division

SUBJECT: Notice and Agenda for the **January 11, 2005**, meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on January 11, 2005, at the office of the State Personnel Board, located at 801 Capitol Mall, Room 150, Sacramento, California, the State Personnel Board will hold its regularly scheduled meeting. Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 W. 4th Street, Los Angeles, CA.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item.

Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any of the items considered in the public sessions for the January 11, 2005, meeting, please contact staff in the Secretariat's Office, State Personnel Board, 801 Capitol Mall, MS 22, Sacramento, CA 95814 or by calling (916) 653-0429 or TDD (916) 654-2360, or the Internet at:

<http://www.spb.ca.gov/calendar.htm>

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone numbers above.

S. RODRIGUEZ
Secretariat's Office

Attachment

CALIFORNIA STATE PERSONNEL BOARD MEETING¹

801 Capitol Mall
Sacramento, California

Teleconference

320 West 4th Street², Suite 620
Los Angeles, California

Public Session Location

801 Capitol Mall, Room 150
Sacramento, California

Closed Session Location

801 Capitol Mall, Room 141
Sacramento, California

FULL BOARD MEETING - JANUARY 11, 2005

¹ Sign Language Interpreter will be provided for Board Meeting upon request - contact Secretariat at (916) 653-0429, or CALNET 453-0429, TDD (916) 654-2360.

² Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 W. 4th Street, Los Angeles, CA.

FULL BOARD MEETING AGENDA³

JANUARY 11, 2005

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(9:00 a.m. - 10:00 a.m.)

- 1. ROLL CALL**
- 2. REPORT OF THE EXECUTIVE OFFICER - Floyd Shimomura**
 - Release of the audit of Secretary of State's Office.
 - Presentation of other matters.
- 3. REPORT OF THE CHIEF COUNSEL - Elise Rose**
- 4. NEW BUSINESS**
- 5. REPORT ON LEGISLATION**
- 6. PROPOSED 2005 BOARD MEETING SCHEDULE**

CLOSED SESSION OF THE STATE PERSONNEL BOARD

- 7. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY THE ADMINISTRATIVE LAW JUDGES**

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code sections 11126 (d), and 18653 (2).]

- 8. PENDING LITIGATION**

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial. [Government Code sections 11126(e)(1) and 18653.]

State Personnel Board v. Department of Personnel Administration, California Supreme Court Case No. S119498.

³ The Agenda for the Board can be obtained at the following internet address:
<http://www.spb.ca.gov/calendar.htm>

State Personnel Board v. California State Employees Association, California Supreme Court Case No. S122058.

Connerly v. State Personnel Board, California Supreme Court Case No. S125502.

International Union of Operating Engineers v. State Personnel Board, Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

California Attorneys, Administrative Law Judges and Hearing Officers in State Employment, v. Department of Industrial Relations and California State Personnel Board, Sacramento Superior Court Case No. 04CS00677.

Caltrans v. SPB (Torossian)

Larry Moore v. SPB

9. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the Legislature. [Government Code section 18653.]

10. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor. [Government Code section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(On Adjournment)

11. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF JANUARY 25, 2005, IN SACRAMENTO, CALIFORNIA

BOARD ACTIONS

12. ADOPTION OF STATE PERSONNEL BOARD SUMMARY MINUTES OF DECEMBER 1-2 AND DECEMBER 14, 2004

13. ACTION ON SUBMITTED ITEMS

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those cases are listed separately by category on this agenda under Evidentiary Cases.

(See Agenda - Page 23)

CLOSED SESSION OF THE STATE PERSONNEL BOARD

(10:00 a.m. - 10:30 a.m.)

14. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126 (d), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(10:30 a.m. - 11:00 a.m.)

15. ORAL ARGUMENT

Oral Argument in the matter of DOREATHA FLEMING, CASE NO. 03-2274A. Appeal from dismissal. Motor Vehicle Field Representative. Department of Motor Vehicles.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

(11:00 a.m. - 11:15 a.m.)

16. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at a prior hearing. [Government Code sections 11126 (d), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(11:15 a.m. - 11:45 a.m.)

17. ORAL ARGUMENT

Oral Argument in the matter of PRISCILA CRUZ, Case No. 04-0554EA - (Written record only). Appeal from discrimination complaint. Clinical Laboratory Scientist. California Medical Facility - Vacaville. Department of Corrections.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

(11:45 a.m. - 12:00 p.m.)

18. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at a prior hearing. [Government Code sections 11126 (d), 18653.]

(12:00 p.m. - 1:00 p.m.)

LUNCH

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(1:00 p.m. - 2:15 p.m.)

19. INFORMATIONAL HEARING - STATE WORKFORCE REPRESENTATION OF PERSONS WITH DISABILITIES

Representatives for the California Governor's Committee on Employment of Persons with Disabilities, Department of Rehabilitation, Disabled in State Service and Department of Consumer Affairs have been invited to discuss challenges and recommendations related to improving the state workforce representation of persons with disabilities.

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(2:15 p.m. - 2:45 p.m.)

20. INFORMAL HEARING

To provide SPB staff the opportunity to address the five-member Board (Board) regarding the legal and process issues raised by classification proposals negotiated within MOUs, which require action by the Board.

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(3:00 p.m. - 3:30 p.m.)

21. ORAL ARGUMENT

Oral Argument in the matter of JOHN FLORES, CASE NO. 03-2588EA. Appeal of retaliation. Hospital Peace Officer I. Department of Mental Health.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

(3:30 p.m. - 3:45 p.m.)

22. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at a prior hearing. [Government Code sections 11126 (d), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(3:45 p.m. - 4:15 p.m.)

23. ORAL ARGUMENT

Oral Argument in the matter of HAJI JAMEEL, CASE NO. 04-0330A. Appeal from dismissal. Supervising Transportation Engineer. California Public Utilities Commission.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

(4:15 p.m. - 4:30 p.m.)

24. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at a prior hearing. [Government Code sections 11126 (d), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(4:30 p.m. - 5:00 p.m.)

25. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting. Cases that are before the Board for vote will be provided under separate cover.

**ANN R. ABIERAS, CASE NO. 04-0531A
AND**

EVELYN B. CORPUS, CASE NO. 04-0529A

Appeal from ten-percent reduction in salary for twelve months
Psychiatric Technician Assistants
Department of Developmental Services

DANNY BOYD, CASE NO. 03-1537PA

Appeal from dismissal
Youth Correctional Officer
Department of Youth Authority

NICHOLAS COMAITES, CASE NO. 03-0062A

Appeal from official reprimand
Correctional Counselor II
Department of Corrections

AND

PAUL WARD, CASE NO. 03-0332A

Appeal from official reprimand
Correctional Administrator
Department of Corrections

DEBRA GREENE, CASE NO. 03-0621A

Appeal from dismissal
Motor Vehicle Field Representative
Department of Motor Vehicles

RICHARD HARMON, CASE NO. 03-3739A

Appeal from dismissal
Psychiatric Technician Assistant
Department of Developmental Services

CONNIE JOHNSON, CASE NO. 03-2620RA

Appeal from 30-calendar-days suspension
Employment Program Representative
Employment Development Department

EDWARD LIMON, CASE NO. 04-0233A

Appeal from dismissal
Parole Agent I
Department of the Youth Authority

VIRGINIA PARKER, CASE NO. 03-0325A

Appeal from demotion
Correctional Lieutenant
Ironwood State Prison - Blythe
Department of Corrections

PEARLIE BLEDSOE-TOWNES, CASE NO. 03-2966A

Appeal from denial of request for reasonable accommodation
Correctional Sergeant
Central California Women's Facility - Chowchilla
Department of Corrections

GARY WHALEY, CASE NO. 03-1420A

Appeal from discrimination
Employment Program Representative
Employment Development Department

B. CASES PENDING

Oral Arguments

These cases are on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

PRISCILA CRUZ, Case No. 04-0554EA - (Written record)

Appeal from discrimination complaint
Clinical Laboratory Scientist
California Medical Facility - Vacaville
Department of Corrections

DOREATHA FLEMING, CASE NO. 03-2274A

Appeal from dismissal
Motor Vehicle Field Representative
Department of Motor Vehicles

JOHN FLORES, CASE NO. 03-2588EA

Appeal of retaliation
Hospital Peace Officer I
Department of Mental Health

HAJI JAMEEL, CASE NO. 04-0330A

Appeal from dismissal
Supervising Transportation Engineer
California Public Utilities Commission

C. CHIEF COUNSEL RESOLUTIONS

REGINALD A. HONORE, CASE NO. 04-1440

Merit Issue Complaint
Hospital Police Officer
Department of Mental Health

Court Remands

These cases have been remanded to the Board by the court for further Board action.

None

Stipulations

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

None

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

Proposed Decisions

These are ALJ proposed decisions submitted to the Board for the first time.

VICTOR AUSTIN, CASE NO. 04-2350

Appeal from five-percent reduction in salary for six months
Correctional Officer
California Correctional Institution - Tehachapi
Department of Corrections

DAVID BARTON, CASE NO. 04-1434

Appeal from dismissal
Associate Hazardous Materials Specialist
Wasco State Prison - Wasco
Department of Corrections

CLARENCE CARSON-PALMER, CASE NO. 04-1774

Appeal from a one-step reduction in salary for twelve months
Correctional Officer
California State Prison - San Quentin
Department of Corrections

ERNEST J. DURAN, CASE NO. 04-0853

Appeal from demotion
Special Agent in Charge
Department of Justice

FRANK GARCIA, CASE NO. 04-0092

Appeal from dismissal
Chief Engineer I
Avenal State Prison - Avenal
Department of Corrections

ANTHONY GUBLER, CASE NO. 03-2774

Appeal from dismissal
CHP Officer
Department of California Highway Patrol

JOHN HANSEN, CASE NO. 04-1235

Appeal from a one-step reduction in salary for twelve months
Correctional Officer
California State Prison - San Quentin
Department of Corrections

CHARLES HAVRON, CASE NO. 04-1674

Appeal from demotion
Correctional Sergeant to Correctional Officer
California Correctional Institution - Tehachapi
Department of Corrections

RAED KHAMMASH, CASE NO. 00-4307E

Appeal from complaint of discrimination and retaliation
Transportation Engineer
Department of Transportation

CHAD LOOK, CASE NO. 04-1789

Appeal from 60-work-days suspension
Correctional Officer
Wasco State Prison - Wasco
Department of Corrections

SCOTT MCFARLANE, CASE NO. 04-1174

Appeal from 15-work-days suspension
CHP Officer
Department of California Highway Patrol

WAYNE MCKAY, CASE NO. 04-0743

Appeal from three-day suspension
Associate Programmer Analyst
State Water Control Resources Board

JANE MOOTZ, CASE NO. 04-1177

Appeal from official letter of reprimand and permanent reassignment
Correctional Officer
California Correctional Center - Susanville
Department of Corrections

ARTURO RODRIGUEZ, CASE NO. 04-1471

Appeal from dismissal
Food Service Technician I
Metropolitan State Hospital - Norwalk
Department of Mental Health

RICHARD SAUNDERS, CASE NO. 03-3752

Appeal from demotion
Correctional Sergeant to Correctional Officer
California State Prison - Sacramento
Department of Corrections

GEORGE SHINN, CASE NO. 04-0275

Appeal from suspension for thirty-calendar-days Plumber II, (CF)
California Rehabilitation Center - Norco
Department of Corrections

DAVID W. SMITH, CASE NO. 04-2042

Appeal from official reprimand
Correctional Officer
California State Prison - Wasco
Department of Corrections

TONYA TATUM, CASE NO. 04-1738

Appeal from rejection during probationary period
Motor Vehicle Field Representative
Department of Motor Vehicles

SHERI TEDISCO, CASE NO. 04-1512

Appeal from a ten-work-days suspension
Motor Vehicle Field Representative
Department of Motor Vehicles

JENNIS F. WHITE, CASE NO. 04-1385E

Appeal from denial of request for reasonable accommodation
Principal Compliance Representative
Franchise Tax Board

SHARON WHITE, CASE NO. 04-2512E

Appeal from denial of complaint of discrimination
Correctional Officer
California Institution for Women - Corona
Department of Corrections

DAVID R. WILLIAMS, CASE NO. 03-1143

Appeal from ten-working-days suspension
Engineer, WR
Department of Water Resources

Proposed Decisions Taken Under Submission At Prior Meeting

These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

None

Proposed Decisions After Board Remand

None

Proposed Decisions After SPB Arbitration

None

E. PETITIONS FOR REHEARING

ALJ Proposed Decisions Adopted By The Board

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

VALERIE GODFREY, CASE NO. 98-1070RP

Appeal from dismissal

Youth Correctional Counselor

California Youth Authority

Petition for rehearing filed by respondent to be granted or denied.

MICHAEL HUDSON ET AL, CASE NO. 03-0756P

Appeal from demotion

Special Agent Supervisor to Special Agent

Department of Justice

AND

EDUARDO HEREDIA, CASE NO. 03-0763P

Appeal from three-working-days suspension

Special Agent

Department of Justice

AND

MITCHELL FOX, CASE NO. 03-0972P

Appeal from three-working-days suspension

Special Agent

Department of Justice

Petition for rehearing filed by respondent to be granted or denied.

CAESAR NELSON, CASE NO. 04-1522P

Appeal from ten-percent reduction in salary for six months

Correctional Sergeant

North Kern State Prison - Delano

Department of Corrections

Petition for rehearing filed by appellant to be granted or denied.

PAUL REEDER, CASE NO. 04-0570P

Appeal from 30-work-days suspension

Correctional Officer

Richard J. Donovan Correctional Facility - San Diego

Department of Corrections

Petition for rehearing filed by appellant to be granted or denied.

Whistleblower Notice of Findings

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

None

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

JENNIFER CADY, CASE NO. 03-3390EA

Appeal from denial of request for reasonable accommodation
Deputy Attorney General IV
Department of Justice

SHARON COHEN, CASE NO. 03-3389EA

Appeal from denial of request for reasonable accommodation
Deputy Attorney General IV
Department of Justice

JOHN A. CRUZ, CASE NO. 04-1376A

Appeal from 60-calendar-days suspension
Automotive Equipment Operator I
California Department of Veterans Affairs

NESSLIN CRUZ, CASE NO. 03-1854A

Appeal from ten-work-days suspension
Employment Program Representative (Permanent/Intermittent)
Employment Development Department

DON DOWLING, CASE NO. 04-1482A

AND

ROGER HANSON, CASE NO. 04-1523A

Appeals from dismissal
Police Officers I
Department of Developmental Services

RUPERTO HERNANDEZ, CASE NO. 04-0914R

Appeal from ten-percent reduction in salary for ten months
Disability Insurance Program Representative (Permanent)
Employment Development Department

JOE W. JORDAN, CASE NO. 04-0393A

Appeal from dismissal
Youth Correctional Counselor
Department of Youth Authority

MICHAEL MCGUIRE, CASE NO. 04-0490A

Appeal from demotion
Program Director
Department of Developmental Services

KIM RITTENHOUSE, CASE NOS. 03-3541A & 03-3542E

Appeal from denial of reasonable accommodation and from constructive medical termination
Office Technician (General)
Department of Fish and Game

SAMUEL SWEENEY, CASE NO. 04-0794A

Appeal from 20-calendar-days suspension
Correctional Officer
California Institution for Men - Chico
Department of Corrections

ANTHONY VEGAS, Case No. 03-2204A

Appeal from dismissal
Parole Agent I (Adult Parole)
Department of Corrections - Stockton

26. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1 EXTENSION

(See Agenda - Pages 24 & 25)

27. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

AMITY BAINBRIDGE, CASE NO. 04-0124

Classification: Correctional Officer

Department: Corrections

Issue: Suitability; omitted pertinent information and furnished inaccurate information, negative employment record.

ADRIAN MANNS, CASE NO. 04-1247

Classification: Correctional Officer

Department: Corrections

Issue: Suitability; omitted pertinent information during the selection process.

REUBEN SAVAIKAI, CASE NO. 04-0123

Classification: Correctional Officer

Department: Corrections

Issue: Suitability; felony conviction.

JON SPRING, CASE NO. 04-0812

Classification: Correctional Officer

Department: Corrections

Issue: Suitability; omitted pertinent information and negative employment record.

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

VIVIAN GALBRAITH, CASE NO. 04-2299

Classification: Food Service Technician I

Department: Veterans Affairs

ROBERT THOMPSON, CASE NO. 04-2201

Classification: Youth Correctional Counselor

Department: Youth Authority

**C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS
MERIT ISSUE COMPLAINTS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

None

**D. RULE 211 APPEALS
RULE 212 OUT OF CLASS APPEALS
VOIDED APPOINTMENT APPEALS**

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

None

E. REQUEST TO FILE CHARGES CASES

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

ROBERT NAPIER, CASE NO. 04-0881

Classification: Correctional Officer

Department: Corrections

Issue: The charging party requests charges be filed under various subsections of Government Code section 19572 against a state employee.

DEAN PACINI, CASE NO. 04-0387

Classification: Committed offender housed at Atascadero State Hospital

Department: Mental Health

Issue: The charging party has not provided sufficient evidence to sustain any claims against the charged party.

RONLYN VASCONCELLOS, CASE NO. 04-0580

Classification: Associate Government Program Analyst

Department: State Water Resources Control Board (SWRCB)

Issue: The charging party requests charges be filed against three employees of the SWRCB.

PETITIONS FOR REHEARING CASES

None

F. PSYCHOLOGICAL SCREENING CASES

Cases reviewed by Appeals Division staff, but no hearing was held. It is anticipated that the Board will act on these proposals without a hearing.

JERRY BROWDER, CASE NO. 04-2473

Classification: Correctional Officer

Department: Corrections

Issue: Restoration of appellant's eligibility after disqualification lifted.

MELISSA GREER, CASE NO. 04-2472

Classification: Medical Technical Assistant (CF)

Department: Corrections

Issue: Restoration of appellant's eligibility after disqualification lifted.

JOEL SANCHEZ, CASE NO. 04-2449

Classification: Correctional Officer

Department: Corrections

Issue: Restoration of appellant's eligibility after disqualification lifted.

28. NON-HEARING CALENDAR

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing.

Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code section 18500 et seq.) and Article VII, California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

29. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

The Legislative Counsel Bureau (LCB) proposes the following:

- (1) Acknowledgement of law authorizing the LCB to continue the demonstration project classification and selection methods on a permanent basis,
- (2) Adoption of the proposed amendments to the broadband classification series specification of Information Technician, Information Technology Specialist, and Information Systems Supervisor/Manager; and
- (3) Adoption of proposed amendments to Title 2, California Code of Regulations (2CCR) §§ 549.70 through 549.74

30. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Merit Employment and Technical Resources Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and it is approved by the State Personnel Board, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER CONSIDERATION

DEPUTY COMMISSIONER, OFFICE OF COMMUNICATIONS AND PRESS RELATIONS

The Department of Insurance proposes to allocate the above position to the CEA category. The Deputy Commissioner, Office of Communications and Press Relations provides expertise, advice, and strategic direction regarding the Department's complex public communications and press relations program. The position formulates policy regarding appropriate shaping and delivery of the Department's message through all mediums, acting as the Insurance Commissioner's primary spokesperson to the public and the media.

DIRECTOR, STRATEGY/PLANNING AND LABOR LIAISON

The Department of Insurance proposes to allocate the above position to the CEA category. The Director, Strategy/Planning and Labor Liaison acts as the Appointments Advisor to the Commissioner on matters pertaining to the appointing of members of the various advisory boards and committees and manages the Departmental Strategic Plan. The position works collaboratively with members of Executive Staff and other managers of the Department to establish time frames for the review and completion of major tasks and projects that support the Commissioner's vision and mission for the Department.

DEPUTY COMMISSIONER, ENFORCEMENT BRANCH

The Department of Insurance proposes to allocate the above position to the CEA category. The Deputy Commissioner, Enforcement Branch formulates policy, plans, organizes and directs all law enforcement and related operations statewide for the Department's Fraud and Investigation Divisions. The position acts as the key policy advisor to the Insurance Commissioner on all matters pertaining to police and law enforcement operations and all other areas relating to the Department's anti-fraud and consumer protection programs.

CHIEF, INVESTIGATION DIVISION

The Department of Insurance proposes to allocate the above position to the CEA category. The Chief, Investigation Division, develops policy in support of the detection, investigation and prosecution, criminal or administrative, of crimes and violations of Departmental jurisdiction in support of consumer protection from insurance crimes and violations.

PROJECT MANAGER, PENSION SYSTEM REPLACEMENT

The California Public Employees' Retirement System (CalPERS) requests approval to allocate the above position to the CEA category. The Project

Manager, Pension System Replacement manages, directs and provides policy direction to all activities associated with the completion of the Pension System Replacement including strategy development, requirements development, acquisition, design, development, implementation, conversion, and maintenance of appropriate software to complete replacement of the existing CalPERS Legacy pension systems.

CHIEF, PRODUCTION AND OPERATIONS MANAGEMENT DIVISION

The Employment Development Department proposes to allocate the above position to the CEA category. The Chief, Production and Operations Management Division is responsible for policy development, operations management and support for the Department's vast IT infrastructure and systems, supporting all of the Department's major programs, including Unemployment Insurance (UI), Disability Insurance (DI), Tax Collection, Job Services, and Workforce Development.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW CEA POSITIONS

DEPUTY DIRECTOR, OFFICE OF PROBLEM GAMBLING

The Department of Alcohol and Drug Program's request to allocate the above position to the CEA category has been approved effective November 30, 2004, for a period of one year.

DEPUTY DIRECTOR, EXHIBITS

The California Science Center's request to allocate the above position to the CEA category has been approved effective November 30, 2004.

DEPUTY DIRECTOR, ADMINISTRATION

The California Science Center's request to allocate the above position to the CEA category has been approved effective November 30, 2004.

PROJECT MANAGER, PRISON LAW OFFICE, REMEDIAL PLAN IMPLEMENTATION

The Department of Youth Authority's request to allocate the above position to the CEA category has been disapproved effective December 16, 2004.

**STATE GEOLOGIST, ASSISTANT DIRECTOR, CALIFORNIA
GEOLOGICAL SURVEY**

The Department of Conservation's request to allocate the above position to the CEA category has been approved effective December 17, 2004.

DEPUTY DIRECTOR, ASSET MANAGEMENT

The California Housing Finance Agency's request to allocate the above position to the CEA category has been approved effective December 17, 2004.

**ASSISTANT DEPUTY DIRECTOR, EMERGENCY PREPAREDNESS
OFFICE**

The Department of Health Services' request to allocate the above position to the CEA category has been approved effective December 20, 2004.

DEPUTY DIRECTOR, EMERGENCY PREPAREDNESS OFFICE

The Department of Health Services' request to allocate the above position to the CEA category has been approved effective December 20, 2004.

ASSISTANT DEPUTY DIRECTOR, MEDICAL CARE SERVICES

The Department of Health Services' request to allocate the above position to the CEA category has been approved effective December 20, 2004.

31. **WRITTEN STAFF REPORT FOR BOARD INFORMATION**
32. **PRESENTATION OF EMERGENCY ITEMS AS NECESSARY**

A D J O U R N M E N T

SUBMITTED

TEACHER STATE HOSPITAL (SEVERELY), ETC.

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002)

VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES)

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

TELEVISION SPECIALIST (SAFETY)

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

HEARING - PSC #04-03

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

HEARING - Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004).

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

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